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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,566	06/04/2001	Dmitri Loguinov	US 010269	4215
24737	7590	12/01/2004	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,566

Applicant(s)

LOGUINOV, DMITRI

Examiner

Christine Ng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 11-13, 16, 17, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9, 10, 14, 15, 18, 19, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/28/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 23 objected to because of the following informalities:

Claim 23 cannot depend on itself.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said lost packet" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "said system" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 12, 13, 16, 17, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,768,533 to Ran.

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Referring to claim 1, Ran discloses in Figure 1 a method for transmitting a multimedia bitstream between a server (sender 150) and a client (receiver 100) over a packet network (channel 145), the method comprising the steps of:

(a) Packetizing (by video encoder 170) said multimedia bitstreams into a plurality of packets (Figure 2, frame 200) comprised of layers (Figure 2, sub-sequences 210-218) according to a predetermined scheme. Refer to Column 5, lines 13-35.

(b) Storing (by FIFO buffer 190) copies of the plurality of packets (Figure 2, frame 200) for a predetermined time period (when FIFO buffer overflows). Refer to Column 7, lines 40-44.

(c) Transmitting (by channel 145) said stored packets (Figure 2, frame 200) in sequence to said client (receiver 100). Refer to Column 4, lines 29-37 and Column 7, lines 16-29 and lines 44-47.

(d) Sending (by request controller 125) retransmission requests to said server (sender 150), wherein said retransmission requests are sent upon the detection of a lost packet. Refer to Column 7, line 67 to Column 8, line 5.

Referring to claim 2, Ran discloses in Figure 1 that the method further comprises the step of retransmitting (by retransmission controller 185) copies of lost packets to said client system (receiver 100). Refer to Column 8, lines 34-43.

Referring to claim 3, Ran discloses in Figure 1 that the method further comprises the step of removing (by FIFO buffer 190) copies of the plurality of said packets (Figure 2, frame 200) if the lifetime of one of said packets is greater than said predetermined time period (when FIFO buffer 190 overflows). "When FIFO buffer 190 overflows, the

oldest data packets in FIFO buffer 190 are pushed out to make room for newly encoded data packets" (Column 7, lines 42-44).

Referring to claim 12, Ran discloses in Figure 1 a client system (receiver 100) for receiving a multimedia file from a remote buffer (FIFO buffer 190) from a server system (sender 150), said client system (receiver 100) and said server system (sender 150) being connected to a packet network (channel 145), said system comprising:

A packet buffer (receiving buffer 130) operably coupled to store incoming packets (Figure 2, frame 200) comprised of layers (Figure 2, sub-sequences 210-218) sent by said server system (sender 150). Refer to Column 5, lines 13-35 and Column 7, lines 59-61.

A depacketizer (video decoder 120) for assembling said incoming packets (Figure 2, frame 200) into a continuous bitstream. Refer to Column 7, lines 63-65 and Column 9, line 42 to Column 10, line 18.

A packet processor (status buffer 115) operably coupled to said depacketizer (video decoder 120) for detecting lost packets. Refer to Column 7, lines 65-67.

A retransmission manager (request controller 125) operably coupled to said packet processor (status buffer 115) for sending retransmission requests to said server system (sender 150) upon detection of said lost packets. Refer to Column 7, line 67 to Column 8, line 20.

Referring to claim 13, Ran discloses in Figure 1 that the client system (receiver 100) further comprises a means (status buffer 115 and video decoder 120) for

computing a presentation time for copies of said incoming packets in said remote buffer (FIFO buffer 190). Refer to Column 9, lines 42-57.

Referring to claim 16, Ran discloses in Figure 1 a server system (sender 150) for transmitting a multimedia file stored in said server to a client system (receiver 100), said client system (receiver 100) and said server system (sender 150) being connected to a packet network (channel 145), said server system (sender 150) comprising:

A packetizer (video encoder 170) for packetizing incoming multimedia bitstreams into a plurality of packets (Figure 2, frame 200) comprised of layers (Figure 2, sub-sequences) according to a predetermined scheme. Refer to Column 5, lines 13-35.

A packet buffer (FIFO buffer 190) operably coupled to said packetizer (video encoder 170) for storing copies of the plurality of packets (Figure 2, frame 200) for a predetermined time period (when FIFO buffer 190 overflows). Refer to Column 7, lines 40-44.

A packet transmitter (channel 145) operably coupled to the packet buffer (FIFO 190) for transmitting said stored packets in sequence to said client system (receiver 100). Refer to Column 4, lines 29-37 and Column 7, lines 16-29 and lines 44-47.

A retransmission processor (retransmission controller 185) operably coupled to said packet buffer (FIFO buffer 190) and said packet transmitter (channel 145) for retransmitting copies of lost packets to said client system (receiver 100). Refer to Column 8, lines 34-43.

Referring to claim 17, Ran discloses that the retransmission processor (retransmission controller 185) removes copies of the plurality of said packets (Figure

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2, frame 200) if the lifetime of one of said packets is greater than said predetermined time period (when FIFO 190 overflows). "When FIFO buffer overflows, the oldest data packets in FIFO buffer 190 are pushed out to make room for newly encoded data packets" (Column 7, lines 42-44).

Referring to claim 20, refer to the rejections of claims 12 and 16.

Referring to claim 21, refer to the rejection of claim 17.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,768,533 to Ran in view of U.S. Patent No. 5,222,061 to Doshi et al.

Referring to claim 6, Ran discloses in Figure 1 a method for supporting the real-time transmission and retransmission of a multimedia bitstream between a server (sender 150) and a client (receiver 100), the method comprising the steps of:

(a) Receiving (by input buffer 160) said multimedia bitstream. Refer to Column 4, lines 41-42.

(b) Transforming (by video encoder 170) said multimedia bitstream into a plurality of packets (Figure 2, frame 200) having prefixes (sequence number field). Refer to Column 5, lines 13-35 and Column 7, lines 16-29.

(d) Forwarding (by channel 145) the plurality of said packets (Figure 2, frame 200) from said server (sender 150) to said client (receiver 100).

(e) Receiving a message (by request controller 135) to retransmit a lost packet from said client (receiver 100). Refer to Column 7, line 67 to Column 8, line 5.

(f) Transmitting (by retransmission controller 185) said packet to said client (receiver 100). Refer to Column 8, lines 34-43.

Ran does not disclose step (c) adding said packet prefixes in sequence to a list controlled by said server for a predetermined time period and part of step (e) searching said list for the prefix corresponding to said lost packet.

Doshi et al disclose in Figure 1 adding packet prefixes (sequence numbers) to a list (Figures 5-7) controlled by a server (transmitter 100) for a predetermined time. When a packet is lost, the server (transmitter 100) searches the list (Figures 5-7) for the prefix (sequence numbers 852 and 857) corresponding to the lost packet, and retransmits the lost packet only if the list indicates that the packet had been transmitted before the last data packet that was received correctly by the receiver. Refer to Column 5, line 46 to Column 6, line 58. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include step (c) adding said packet prefixes in sequence to a list controlled by said server for a predetermined time period and part of step (e) searching said list for the prefix correspond to said lost packet, the motivation being in order to maintain a list of the exact sequence of transmitted packets and avoid multiple retransmissions of the same packet. Refer to Column 1, line 35 to Column 2, line 5.

Referring to claim 7, Ran discloses in Figure 1 that the method further comprises the step of assembling (by video decoder 120) the plurality of said packets (Figure 2, frame 200) into a continuous bitstream. Refer to Column 7, lines 63-65 and Column 9, line 42 to Column 10, line 18.

Referring to claim 8, Ran does not disclose that the method further comprises the step of determining whether one of said packets is lost based on said packet prefixes received by said client.

Doshi et al disclose in Figures 5-7 the step of determining whether one of said packets is lost based on said packet prefixes (sequence numbers) received by the client (receiver 200). Refer to Column 5, line 46 to Column 6, line 58. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the method further comprises the step of determining whether one of said packet is lost based on said packet prefixes received by said client, the motivation being that the sequence number allows the transmitter to maintain a list of the exact sequence of the transmitted packets and avoid multiple retransmissions of the same packet. Refer to Column 1, line 35 to Column 2, line 5.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,768,533 to Ran in view of U.S. Patent No. 5,222,061 to Doshi et al, and in further view of U.S. Patent No. 6,085,252 to Zhu et al.

Referring to claim 11, Ran and Doshi et al do not disclose that the searched packet is transmitted to said client by way of a Real-Time Transport Protocol.

Zhu et al disclose that there is a growing need for carrying real-time multimedia traffic and the real-time transport protocol specifies a way for programs to manage real-time transmission. Refer to Column 1, lines 17-32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the searched packet is transmitted to said client by way of a Real-Time Transport Protocol, the motivation being that real-time transmission allows computers to keep track of external processes that are constantly changing and allows users to communicate with each other with immediate responsiveness.

Allowable Subject Matter

9. Claims 4, 5, 9, 10, 14, 15, 18, 19, 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng *CN*
November 23, 2004



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